

# CITY OF LADUE

## Building Department

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To: Zoning and Planning Commission  
From: Andrea Sukanek  
Date: January 18, 2023  
Re: Language to be added regarding Special Use Permits

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In order to protect Special Use Permit decisions from challenges, especially when the decision is a denial, it has been recommended by our City Attorney that the City add some language that clarifies that the City Council has the final discretion to deny or revoke Special Use Permits if given cause.

Section VII.F currently describes the process by which the City Council can issue a Special Use Permit. It is proposed that additional language be added to clarify that the City Council may also deny or revoke a Special Use Permit, as well as impose additional conditions.

The amended Section VII.F would read as follows, with the underlined text to be added:

VII.F. After report by the City Zoning and Planning Commission, and after such public hearing, and after consideration of all of the factors hereinabove set forth, and subject to such protective restrictions as it may deem necessary in conjunction with such factors, the City Council may issue a special permit authorizing the location, erection, reconstruction, or structural alteration of the land uses or structures that require a Special Use Permit according to Section III of this Zoning Ordinance. However, the City Council reserves full authority to deny any request for a special use, to impose conditions on the use or to revoke approval at any time, upon a finding that the permitted special use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use."

This Section F immediately follows the Section that lists the 7 criteria that should be considered when determining if a SUP may be approved. This new language provides support for a decision to deny based on a finding that a use is generally unsuitable or incompatible in a given location or is found to cause a nuisance.